

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1534-LII-E TCEQ ID: RN103669073 CASE NO.: 34689
RESPONDENT NAME: CATHERINE E. HARRIS DBA ALL WATER AUSTIN

Page 1 of 2

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 3007 Adam Cove, 101 Northfield Street, 103 Northfield Street, 3103 Quail Run, and 1730 Woods Boulevard, Round Rock, Williamson County; 1701 Mackenzie Lane, Cedar Park, Williamson County</p> <p>TYPE OF OPERATION: landscape irrigation</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Three complaints have been received. The complaints alleged faulty landscape irrigation system installations, advertising and warranty claims. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: The complainants have not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 9, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Water Enforcement Section, MC 169, (512) 239-4490</p> <p style="padding-left: 20px;">TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-3795</p> <p style="padding-left: 20px;">Respondent: Ms. Catherine E. Harris, Owner, All Water Austin, 505 E. 8th Street, Georgetown, Texas 78626-5907</p> <p style="padding-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: January 19, 2007, February 17, 2007 and May 31, 2007.</p> <p>Dates of Investigations Relating to this Case: April 27, 2007 and August 24, 2007</p> <p>Date of NOE Relating to this Case: August 31, 2007</p> <p>Background Facts: The EDPRP was filed on August 4, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on August 5, 2008, as evidenced by the signature on the card. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent's irrigator license expired on June 30, 2008.</p> <p>LII:</p> <ol style="list-style-type: none"> Failed to comply with reasonable inspection requirements, ordinances, or regulations designed to protect the public water supply of a city, town, county, special purpose district or other political subdivision of the state [30 TEX. ADMIN. CODE § 344.70]. Failed to meet the minimum standards for depth coverage of piping for the installation of irrigation systems [30 TEX. ADMIN. CODE § 344.77(e)(1)]. Failed to meet the minimum standards for wiring irrigation systems [30 TEX. ADMIN. CODE § 344.77(f)(3)]. Failed to honor the warranty presented to the customers for the materials and labor furnished in the installation of the new irrigation systems [30 TEX. ADMIN. CODE § 344.96]. Failed to refrain from false, misleading, or deceptive practices relating to bidding or advertising of services and fees [30 TEX. ADMIN. CODE § 344.93(c)]. 	<p>Total Assessed: \$2,337</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$2,337</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Obtain a plumbing permit in accordance with the Building Inspection Department in the city in which work is to be performed prior to commencing any irrigation related work; Arrange for the inspection of the backflow prevention device after installation and prior to the box containing the backflow prevention device being covered; Begin using wire splices which are waterproof in underground connections of the zone valves during installation of all irrigation systems; Ensure that all irrigation systems are designed and/or installed to provide a minimum of six inches of coverage over piping if the manufacturer has no recommended specifications for depth coverage of piping; and Honor all warranties presented to customers by Respondent. Within 30 days, update the All Water Austin web site to accurately reflect the number of licensed irrigators it employs as well as the number of licensed backflow prevention assembly testers it employs. Within 60 days, submit written certification demonstrating compliance with Ordering Provisions above.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ
DATES

Assigned 4-Sep-2007

PCW 18-Sep-2007

Screening 18-Sep-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Catherine E. Harris dba All Water Austin

Reg. Ent. Ref. No. RN103669073

Facility/Site Region 11-Austin

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 34689

Docket No. 2007-1534-LII-E

Media Program(s) Irrigators

Multi-Media

No. of Violations 5

Order Type 1660

Enf. Coordinator Merrilee Hupp

EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0 Maximum \$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1: \$2,125

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

10% Enhancement

Subtotals 2, 3, & 7: \$212

Notes

Respondent received two Commission-issued notices of violations for same or similar violations.

Culpability

No

0% Enhancement

Subtotal 4: \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5: \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement

Subtotal 6: \$0

Total EB Amounts \$79

Approx. Cost of Compliance \$1,050

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal: \$2,337

OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount: \$2,337

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$2,337

DEFERRAL

0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY

\$2,337

Screening Date 18-Sep-2007

Docket No. 2007-1534-LII-E

PCW

Respondent Catherine E. Harris dba All Water Austin

Policy Revision 2 (September 2002)

Case ID No. 34689

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103669073

Media [Statute] Irrigators

Enf. Coordinator Merrilee Hupp

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Respondent received two Commission-issued notices of violations for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date	18-Sep-2007	Docket No.	2007-1534-LII-E	PCW
Respondent	Catherine E. Harris dba All Water Austin			
Case ID No.	34689			
Reg. Ent. Reference No.	RN103669073			
Media [Statute]	Irrigators			
Enf. Coordinator	Merrilee Hupp			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 344.70			
Violation Description	<p>Failed to comply with reasonable inspection requirements, ordinances, or regulations designed to protect the public water supply of a city, town, county, special purpose district or other political subdivision of the state. Specifically, a plumbing permit was not obtained from the Building Inspection Department at 3007 Adam Cove, in Round Rock, Williamson County, prior to the installation of the irrigation system and an inspection was not arranged for the backflow prevention assembly device installation. At 101 and 103 Northfield Street and 3103 Quail Run in Round Rock, Williamson County, an inspection of the installation of the backflow prevention assembly was not arranged before the box containing the backflow prevention device was covered.</p>			
Base Penalty				\$2,500
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
OR	Falsification			
	Major	Moderate	Minor	
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.			
Adjustment				\$2,250
				\$250
Violation Events				
Number of Violation Events		<input type="text" value="4"/>	Number of violation days	
		<input type="text" value="25"/>		
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
Four single events are recommended for the four different residential locations.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$24"/>	Violation Final Penalty Total <input type="text" value="\$1,100"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$1,100"/>	

Economic Benefit Worksheet

Respondent Catherine E. Harris dba All Water Austin

Case ID No. 34689

Reg. Ent. Reference No. RN103669073

Media Irrigators

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description, No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs	\$400	10-Jan-2007	1-Apr-2008	1.2	\$24	\$24	\$24
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost for arranging for an inspection and obtaining a permit for four residential sites. Date required is when the Respondent initiated the installation of the irrigation system at the first of four sites and final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$24

Screening Date 18-Sep-2007

Docket No. 2007-1534-LII-E

PCW

Respondent Catherine E. Harris dba All Water Austin

Policy Revision 2 (September 2002)

Case ID No. 34689

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103669073

Media [Statute] Irrigators

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 344.77(e)(1)

Violation Description

Failed to meet the minimum standards for depth coverage of piping for the installation of irrigation systems. Specifically, at 1701 Mackenzie Lane, in Cedar Park, Williamson County, the coverage of pipe between Zones No. 5 and 6 on the right side yard was less than the six inches required.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment could be exposed to an insignificant amount of pollutants which would not exceed levels protective of human health or environmental receptors.

Adjustment \$2,375

\$125

Violation Events

Number of Violation Events 1

572 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$125

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$137

This violation Final Assessed Penalty (adjusted for limits) \$137

Economic Benefit Worksheet

Respondent Catherine E. Harris dba All Water Austin

Case ID No. 34689

Reg. Ent. Reference No. RN103669073

Media Irrigators

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	N/A	\$0
Record Keeping System			0.0	\$0	N/A	\$0
Training/Sampling			0.0	\$0	N/A	\$0
Remediation/Disposal			0.0	\$0	N/A	\$0
Permit Costs			0.0	\$0	N/A	\$0
Other (as needed)	\$100	7-Sep-2006	1-Apr-2008	1.6	\$8	\$8

Notes for DELAYED costs

Estimated cost is for six inches of cover and the labor associated with covering piping as required. Date required is when the irrigation system was installed and final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date 18-Sep-2007

Docket No. 2007-1534-LII-E

PCW

Respondent Catherine E. Harris dba All Water Austin

Policy Revision 2 (September 2002)

Case ID No. 34689

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103669073

Media: [Statute] Irrigators

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s)

30 Tex.Admin. Code § 344.77(f)(3)

Violation Description

Failed to meet the minimum standards for wiring irrigation systems. Specifically, at 101 Northfield Street, in Round Rock, Williamson County and 1701 Mackenzie Lane, in Cedar Park, Williamson County, wire splices which were not waterproof were used in underground connections of the zone valves.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment could be exposed to an insignificant amount of pollutants which would not exceed levels protective of human health or environmental receptors.

Adjustment \$2,375

\$125

Violation Events

Number of Violation Events 2

572 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

Two single events are recommended based upon the two different residential locations where the violation was documented.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent Catherine E. Harris dba All Water Austin

Case ID No. 34689

Reg. Ent. Reference No. RN103669073

Media Irrigators

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					

Delayed Costs

Equipment	\$100	7-Sep-2006	1-Apr-2008	1.6	\$1	\$10	\$11
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost is for the materials and labor associated with waterproof wire splices. Date required is date the irrigation system was installed and final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$11

Screening Date 18-Sep-2007

Docket No. 2007-1534-LII-E

PCW

Respondent Catherine E. Harris dba All Water Austin

Policy Revision 2 (September 2002)

Case ID No. 34689

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103669073

Media [Statute] Irrigators

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 344.96

Violation Description

Failed to honor the warranty presented to the customers for the materials and labor furnished in the installation of the new irrigation systems. Specifically, the Respondent did not return to 1701 Mackenzie Lane in Cedar Park, Williamson County to make the necessary sprinkler head adjustments and meet the minimum standards required for wiring and coverage of piping. At 101 Northfield Street in Round Rock, Williamson County, the Respondent did not return to address the six malfunctioning shrub riser nozzles or the nozzle in another zone which had not been placed correctly in the spray head.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to an insignificant amount of pollutants which would not exceed levels protective of human health or environmental receptors.

Adjustment \$2,375

\$125

Violation Events

Number of Violation Events 2

572 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

Two single events are recommended based upon the two different residential locations where the violation was documented.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent Catherine E. Harris dba All Water Austin

Case ID No. 34689

Reg. Ent. Reference No. RN103669073

Media Irrigators

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or \$)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	--------------------------------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	7-Sep-2006	1-Apr-2008	1.6	\$16	n/a	\$16

Notes for DELAYED costs

Estimated cost is for materials and labor associated with adjustments to sprinkler heads and the repair or replacement of nozzles. Additional costs are already addressed under violation numbers 2 and 3.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$16

Screening Date 18-Sep-2007

Docket No. 2007-1534-LII-E

PCW

Respondent Catherine E. Harris dba All Water Austin

Policy Revision 2 (September 2002)

Case ID No. 34689

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN103669073

Media [Statute] Irrigators

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 344.93(c)

Violation Description

Failed to refrain from false, misleading, or deceptive practices relating to bidding or advertising of services and fees. Specifically, the 2006 invoices prepared for 1730 Woods Boulevard in Round Rock, Williamson County, and 1701 Mackenzie Lane in Cedar Park, Williamson County, stated that the Total Due included backflow testing, yet the backflow testing was not performed. Additionally, the web site advertised three licensed irrigators and two licensed backflow prevention assembly testers on staff, however, only one licensed irrigator (the Respondent) and no licensed backflow prevention assembly testers were employed by All Water Austin at the time the invoices were prepared.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor
		x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 2

621 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended based upon the two different locations where the violations were documented.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$550

This violation Final Assessed Penalty (adjusted for limits) \$550

Economic Benefit Worksheet

Respondent Catherine E. Harris dba All Water Austin

Case ID No. 34689

Reg. Ent. Reference No. RN103669073

Media Irrigators

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	20-Jul-2006	8-Jun-2007	0.9	\$0	\$3	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0		\$0
Record Keeping System				0.0	\$0		\$0
Training/Sampling				0.0	\$0		\$0
Remediation/Disposal				0.0	\$0		\$0
Permit Costs				0.0	\$0		\$0
Other (as needed)	\$200	20-Jul-2006	1-Apr-2008	1.7	\$17		\$17

Notes for DELAYED costs

Estimated cost for the Respondent to provide backflow assembly testing of two devices by a licensed tester as described on the invoice and to update the web site to reflect only currently licensed personnel. Date required is the earlier date of the two invoices and the final date (April 1, 2008) is the expected date of compliance in terms of providing the backflow testing referenced in any invoices. The final date of June 8, 2007 is the date the web site was temporarily suspended.

Avoided Costs

ANNUALIZE (1) avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$20

Compliance History

Customer/Respondent/Owner-Operator:	CN602187387	HARRIS, CATHERINE E	Classification:	Rating:
Regulated Entity:	RN103669073	HARRIS, CATHERINE E	Classification:	Site Rating:
ID Number(s):	LANDSCAPE IRRIGATION LICENSING		LICENSE	LI0008131
Location:				
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	September 19, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 19, 2002 to September 19, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Merrilee Hupp Phone: 512-239-4490

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/21/2004 (335113)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter D 344.73(1)
30 TAC Chapter 344, SubChapter D 344.73(2)
30 TAC Chapter 344, SubChapter D 344.73(3)
30 TAC Chapter 344, SubChapter D 344.73(4)
30 TAC Chapter 344, SubChapter D 344.73[G]

Description: Failure to properly connect the irrigation system to a private water supply using an approved backflow prevention device.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter D 344.77(a)(1)
30 TAC Chapter 344, SubChapter D 344.77(a)(2)
30 TAC Chapter 344, SubChapter D 344.77(a)(3)
30 TAC Chapter 344, SubChapter D 344.77(a)[G]

Description: Failure to design and install an irrigation system using spray or rotary heads that do not exceed the manufacturer's maximum recommended head spacing for a specific nozzle operating at a specific pressure.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 344, SubChapter D 344.77(f)(1)
30 TAC Chapter 344, SubChapter D 344.77(f)(2)
30 TAC Chapter 344, SubChapter D 344.77(f)(3)
30 TAC Chapter 344, SubChapter D 344.77(f)[G]
30 TAC Chapter 344, SubChapter D 344.77(g)
30 TAC Chapter 344, SubChapter D 344.77[G]

Description: Failure to use direct burial wire splices that are waterproof per manufacturer recommendation

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter F 344.96		
Description:	Failure to honor the warranty.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter F 344.95(c)		
Description:	Failure to provide in the design a statement of area coverage of the irrigation system.		
Date:	06/22/2007 (542759)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter D 344.70		
Description:	Failure by a licensed irrigator to comply with reasonable inspection requirements, ordinances or regulations designed to protect the public water supply, any of which relates to work performed or to be performed within such political subdivision's territory.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter D 344.77(e)(1)		
Description:	Failure by a licensed irrigator to meet the minimum standards for depth of coverage of piping.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter D 344.77(f)(3)		
Description:	Failure by a licensed irrigator to meet the minimum standards for wiring irrigation systems.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter F 344.96		
Description:	Failure by a licensed irrigator to present the customer, on all installations of new irrigation systems (i.e. excluding remodeling and renovation), a written statement of guarantees for materials and labor furnished in the installation of the irrigation system and honor the warranty.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter F 344.93(c)		
Description:	Failure by a license irrigator to refrain from false, misleading, or deceptive practices relating to the bidding or advertising of services and fees by a licensed irrigator or a licensed installer.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter F 344.95(b)		
Description:	Failure by a licensed irrigator to adequately design or supervise the design of an irrigation system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 344, SubChapter D 344.72		
Description:	Failure by a licensed irrigator to design, install, maintain, repair, or service an irrigation system in a manner that promotes water conservation.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CATHERINE E. HARRIS DBA ALL
WATER AUSTIN,
RN103669073**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2007-1534-LII-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCC. CODE ch. 1903, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Catherine E. Harris dba All Water Austin ("Ms. Harris").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Ms. Harris held TCEQ Irrigator License No. LI0008131, (expired on June 30, 2008), and owns and operates a landscape irrigation service business located at 505 East 8th Street, Georgetown, Williamson County, Texas (the "Business").
2. Ms. Harris sells, designs, consults, installs, maintains, alters, repairs, and/or services landscape irrigation systems. Therefore Ms. Harris is subject to TCEQ jurisdiction pursuant to TEX. OCC. CODE ch. 1903, and TEX. WATER CODE ch. 37.
3. During an inspection on April 27, 2007 and a record review conducted on August 24, 2007, a TCEQ Austin Regional Office investigator documented that Ms. Harris:
 - a. Failed to comply with reasonable inspection requirements, ordinances, or regulations designed to protect the public water supply of a city, town, county, special purpose district or other political subdivision of the State. Specifically, at 3007 Adam Cove, in Round Rock, Williamson County, Texas, a plumbing permit was not obtained from the Building Inspection Department in Williamson County prior to the

installation of the irrigation system, and an inspection was not arranged for the backflow prevention assembly device installation. At 101 and 103 Northfield Street and 3103 Quail Run in Round Rock, Williamson County, Texas, an inspection of the installation of the backflow prevention assembly was not arranged before the box containing the backflow prevention device was covered;

- b. Failed to meet the minimum standards for depth coverage of piping for the installation of irrigation systems. Specifically, at 1701 Mackenzie Lane, in Cedar Park, Williamson County, Texas, the coverage of pipe between Zone Nos. 5 and 6 on the right side of the yard was less than the required six inches;
 - c. Failed to meet the minimum standards for wiring irrigation systems. Specifically, at 101 Northfield Street, in Round Rock, Williamson County, Texas, and 1701 Mackenzie Lane, in Cedar Park, Williamson County, Texas, wire splices which were not waterproof were used in underground connections of the zone valves;
 - d. Failed to refrain from false, misleading, or deceptive practices relating to bidding or advertising of services and fees. Specifically, the 2006 invoices prepared for 1730 Woods Boulevard in Round Rock, Williamson County, Texas, and 1701 Mackenzie Lane in Cedar Park, Williamson County, Texas, state that the total due included backflow testing, yet the backflow testing was not performed. Additionally, the Respondent's web site advertised three licensed irrigators and two licensed backflow prevention assembly testers on staff. However, only one licensed irrigator (Ms. Harris) and no licensed backflow prevention assembly testers were employed by All Water Austin at the time the invoices were prepared; and
 - e. Failed to honor the warranty presented to the customers for the materials and labor furnished in the installation of the new irrigation systems. Specifically, the Respondent did not return to 1701 Mackenzie Lane in Cedar Park, Williamson County, Texas, to make the necessary sprinkler head adjustments and meet the minimum standards required for wiring and coverage of piping. At 101 Northfield Street in Round Rock, Williamson County, Texas, the Respondent did not return to address the six malfunctioning shrub riser nozzles or the nozzle in another zone which had not been placed correctly in the spray head.
- 4. Ms. Harris received notice of the violations on or about June 27, 2007.
 - 5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of

Catherine E. Harris dba All Water Austin" (the "EDPRP") in the TCEQ Chief Clerk's office on August 4, 2008.

6. By letter dated August 4, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Harris with notice of the EDPRP. According to the return receipt "green card", Ms. Harris received notice of the EDPRP on August 5, 2008, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Ms. Harris received notice of the EDPRP, provided by the Executive Director. Ms. Harris failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ms. Harris is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 37, TEX. OCC. CODE ch. 1903, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Ms. Harris failed to comply with reasonable inspection requirements, ordinances, or regulations designed to protect the public water supply of a city, town, county, special purpose district or other political subdivision of the State, in violation of 30 TEX. ADMIN. CODE § 344.70.
3. As evidenced by Finding of Fact No. 3.b., Ms. Harris failed to meet the minimum standards for depth coverage of piping for the installation of irrigation systems, in violation of 30 TEX. ADMIN. CODE § 344.77(e)(1).
4. As evidenced by Finding of Fact No. 3.c., Ms. Harris failed to meet the minimum standards for wiring irrigation systems, in violation of 30 TEX. ADMIN. CODE § 344.77(f)(3).
5. As evidenced by Finding of Fact No. 3.d., Ms. Harris failed to refrain from false, misleading, or deceptive practices relating to bidding or advertising of services and fees, in violation of 30 TEX. ADMIN. CODE § 344.93(c).
6. As evidenced by Finding of Fact No. 3.e., Ms. Harris failed to honor the warranty presented to the customers for the materials and labor furnished in the installation of the new irrigation systems, in violation of 30 TEX. ADMIN. CODE § 344.96.

7. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Ms. Harris with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
8. As evidenced by Finding of Fact No. 7, Ms. Harris has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Ms. Harris and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Ms. Harris for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of two thousand three hundred thirty-seven dollars (\$2,337.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ms. Harris is assessed an administrative penalty in the amount of two thousand three hundred thirty-seven dollars (\$2,337.00) for violations of TEX. WATER CODE ch. 37, TEX. OCC. CODE ch. 1903, and TCEQ rules. The payment of this administrative penalty and Ms. Harris' compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Catherine E. Harris dba All Austin Water; Docket No. 2007-1534-LII-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Ms. Harris shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Order, Ms. Harris shall
 - i. Obtain a plumbing permit in accordance with the Building Inspection Department in the city in which work is to be performed prior to commencing any irrigation related work;
 - ii. Arrange for the inspection of the backflow prevention device after installation and prior to the box containing the backflow prevention device being covered;
 - iii. Begin using wire splices which are waterproof in underground connections of the zone valves during installation of all irrigation systems;
 - iv. Ensure that all irrigation systems are designed and/or installed to provide a minimum of six inches of coverage over piping if the manufacturer has no recommended specifications for depth coverage of piping; and
 - v. Honor all warranties presented to customers by Catherine Harris dba All Water Austin.
- b. Within 30 days of the effective date of this Order, Ms. Harris shall update the All Water Austin web site to accurately reflect the number of licensed irrigators it employs as well as the number of licensed backflow prevention assembly testers it employs.
- c. Within 60 days after the effective date of this Order, Ms. Harris shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents,

and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Ms. Harris shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Andy Gardner, Regulatory Compliance Section Manager
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Ms. Harris. Ms. Harris is ordered to give notice of this Order to personnel who maintain day-to-day control over the Business operations referenced in this Order.
5. If Ms. Harris fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ms. Harris' failure to comply is not a violation of this Order. Ms. Harris shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. Harris shall notify the Executive Director within seven days after Ms. Harris becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Harris shall be made in writing to the Executive Director. Extensions are not effective until Ms. Harris receives written

approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ms. Harris if the Executive Director determines that Ms. Harris has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Catherine E. Harris dba All Water Austin
Docket No. 2007-1534-LII-E
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF REBECCA M. COMBS

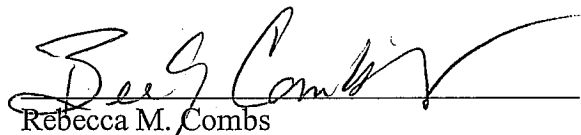
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Catherine E. Harris dba All Water Austin' (the 'EDPRP') was filed with the Office of the Chief Clerk on August 4, 2008.

The EDPRP was sent to Ms. Harris at her last known address on August 4, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt 'green card', Ms. Harris received notice of the EDPRP on August 5, 2008, as evidenced by the signature on the card.

More than 20 days have elapsed since Ms. Harris received notice of the EDPRP. Ms. Harris failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference".



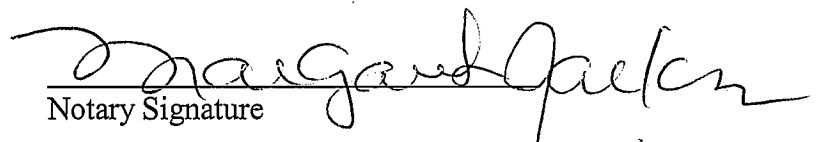
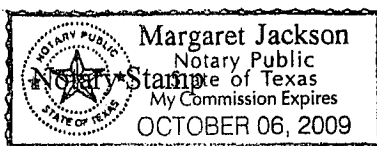
Rebecca M. Combs

Attorney

Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rebecca M. Combs, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 16 day of December, 2008.


Notary Signature